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## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## A SYSTEM AND METHOD FOR BIOMETRICALLY-INITIATED REFUND TRANSACTIONS

the specification of which:

[X] is attached hereto;

[ ] was filed as United States Application Serial No. \_\_ on \_\_, and was amended on \_\_ (if applicable);

[ ] was filed as PCT International Application No. \_\_ on \_\_ and was amended under PCT Article 19 or Article 34 on \_\_ (if applicable);

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Prior Foreign Application(s)

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/324,229  
(Application Number)

21 September 2001  
(Filing Date) (day, month, year)

\_\_\_\_\_

\_\_\_\_\_

(Application Number) (Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and

Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)	Pending	Patented	Abandoned
10/251,305	20 September 2002	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
PCT APPLICATIONS DESIGNATING THE U.S.				
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)		
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Timothy L. Robinson

Inventor's signature 

Date \_\_\_\_\_

Residence: 12145 Chancery Station Circle, Reston, VA 20190

Citizen of: United States

Post Office Address: Same

Full name of second inventor: Bradford R. Schildt

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Residence: 560 South 41st Street, Boulder, CO 80305

Citizen of: United States

Post Office Address: Same

Full name of third inventor: Tennille V. Goff

Inventor's signature 

Date 4/12/2004

Residence: 7710 Heming Place, Springfield, VA 22151

Citizen of: United States

Post Office Address: Same

Full name of fourth inventor: Daniel J. Corwin

Inventor's signature 

Date 4/12/04

Residence: 44812 Ashlar Terrace, #202, Ashburn, VA 20147

Citizen of: United States

Post Office Address: Same

Received Event (Event Succeeded)

Date: 4/15/04 Time: 4:03 PM  
 Pages: 4 Duration: 1 min 45 sec  
 Sender: 309 406 2674 Company:  
 Fax Number: 309-406-2674  
 Type: Apr 15 04 02:04p Brad Schildt P. 3  
309-406-2674

Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS		STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)	Pending	Patented	Abandoned
10/251,305	20 September 2002	[x]	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>PCT APPLICATIONS DESIGNATING THE U.S.</b>				
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)		
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Timothy L. Robinson

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence: 12145 Chancery Station Circle, Reston, VA 20190  
 Citizen of: United States  
 Post Office Address: Same

Full name of second inventor: Bradford R. Schildt

Inventor's signature Brad R. Schildt Date 4/12/04  
 Residence: 560 South 41st Street, Boulder, CO 80305  
 Citizen of: United States  
 Post Office Address: Same

Full name of third inventor: Tennille V. Goff

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence: 7710 Heming Place, Springfield, VA 22151  
 Citizen of: United States  
 Post Office Address: Same

Full name of fourth inventor: Daniel J. Corwin

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence: 44812 Ashlar Terrace, #202, Ashburn, VA 20147  
 Citizen of: United States  
 Post Office Address: Same

Received Event (Event Succeeded)

Date: 4/15/04 Time: 4:03 PM  
Pages: 4 Duration: 1 min 45 sec  
Sender: 309 406 2674 Company:  
Fax Number: Apr 15 04 02:04p Brad Schildt Subject: 309-406-2674 P. 4  
Type:

Attorney Docket No: U017 (BPAY.0040000)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Robinson et al.

Serial No.: To Be Assigned Examiner: To Be Assigned

Confirmation No.: To Be Assigned Art Unit: To Be Assigned

Filed: Herewith

For: A SYSTEM AND METHOD FOR BIOMETRICALLY-INITIATED REFUND TRANSACTIONS

Commissioner for Patents  
Alexandria, VA 22313-1450

POWER BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. §3.73(b)

The Assignee of the entire right, title, and interest in the above-identified application hereby grants the registered practitioners of the Law Office of Duane S. Kobayashi included in the Customer Number provided below power to act, prosecute, and transact all business in the U.S. Patent and Trademark Office in connection with this application, any applications claiming priority to this application, and any patents issuing therefrom.

The assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

An assignment document, a copy of which is enclosed herewith;  
 An assignment previously recorded in the U.S. Patent and Trademark Office at Reel , Frame

Please direct all telephone calls and correspondence to:

Law Office of Duane S. Kobayashi  
1325 Murray Downs Way  
Reston, VA 20194  
Tel: (703) 464-7902  
Fax: (703) 935-0276

CUSTOMER NUMBER: 34611

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date: 4/12/04

Signature: Bradford R. Schildt  
Name: Bradford R. Schildt  
Title: Executive Vice President  
Company: BioPay, LLC

## ASSIGNMENT

Timothy L. Robinson, residing at 12145 Chancery Station Circle, Reston, VA 20190, Bradford R. Schildt, residing at 560 South 41st Street, Boulder, CO 80305, Tennille V. Goff, residing at 7710 Heming Place, Springfield, VA 22151, and Daniel J. Corwin, residing at 44812 Ashlar Terrace, #202, Ashburn, VA 20147, (each referred to as "Assignor") have made an invention(s) (the "Invention(s)") set forth in an application for patent of the United States, entitled A SYSTEM AND METHOD FOR BIOMETRICALLY-INITIATED REFUND TRANSACTIONS, and which is a:

(1)  provisional application  
(a)  to be filed herewith; or  
(b)  bearing Application No. \_\_\_\_\_, and filed on \_\_\_\_\_; or

(2)  non-provisional application  
(a)  to be filed herewith; or  
(b)  bearing Application No. \_\_\_\_\_, and filed on \_\_\_\_\_.

WHEREAS, BioPay, LLC, a corporation duly organized under and pursuant to the laws of, and having its principal place of business at 580 Herndon Parkway, Suite 100, Herndon, VA 20170, (the "Assignee"), is desirous of acquiring the entire right, title, and interest in: the Invention(s); the application for patent identified in paragraph (1) or (2); the right to file applications for patent of the United States or other countries on the Invention(s); any application(s) for patent of the United States or other countries claiming priority to these application(s); and any patent(s) of the United States or other countries that may be granted therefor or thereon.

NOW, THEREFORE, for good and sufficient consideration, the receipt of which is hereby acknowledged, and to the extent that the Assignor has not done so already via a prior agreement with the Assignee, or if the Assignor has already done so via a prior agreement with the Assignee then in confirmation of any obligation to do so in said prior agreement, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns, the Assignor's entire right, title, and interest in:

(a) the Invention(s);  
(b) the application for patent identified in paragraph (1) or (2);  
(c) the right to file applications for patent of the United States or other countries on the Invention(s), including all rights under the Paris Convention for the Protection of Industrial Property and under the Patent Cooperation Treaty;  
(d) any application(s) for patent of the United States or other countries claiming the Invention(s);  
(e) any application(s) for patent of the United States or other countries claiming priority to the application for patent identified in paragraph (1) or (2) or any application(s) for patent claiming the Invention(s), including any division(s), continuation(s), and continuation(s)-in-part; and  
(f) any patent(s) of the United States or other countries that may be granted for or on any application for patent identified in the preceding paragraphs (b) – (e), including any reissue(s) and extension(s) of said patent(s).

The above-granted rights, titles, and interests are to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made.

The Assignor hereby represents to the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, or if applicable, at such time said prior agreement was executed, the Assignor is a lawful owner of an undivided interest in the entire right, title, and interest in and to the Invention(s), that the Invention(s) are unencumbered, except, if applicable, by obligation to assign in accordance with said prior agreement, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner set forth herein.

The Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that the Assignor will sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done in connection with any and all proceedings for the procurement, maintenance, enforcement and defense of the Invention(s), said applications, and said patents, including interference proceedings, without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns.

The Assignor hereby authorizes and requests the attorneys of the LAW OFFICE OF DUANE S. KOBAYASHI to insert in the spaces provided above the filing date, the application number, and the attorney docket number of the application identified in paragraph (1) or (2) when known.

The Assignor hereby requests the Commissioner of Patents to issue said patents of the United States to the Assignee for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: \_\_\_\_\_

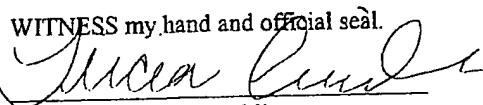
By: 

Timothy L. Robinson

State of Virginia \_\_\_\_\_  
ss.  
County of Fairfax \_\_\_\_\_)

On 4/12/2004, before me, Tim Robinson, personally appeared Timothy L. Robinson, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature of Notary Public

Place Notary Seal Above

My Commission Expires September 30, 2007

**Received Event (Event Succeeded)**

Date: 4/15/04  
Pages: 4  
Sender: 309 406 2674  
Fax Number:  
Type Apr 15 04 02:04p Brad Schildt

Time: 4:03 PM  
Duration: 1 min 45 sec  
Company:  
Subject: 309-406-2674

P-2

Date: 4/15/04By: Brad R. Schildt  
Bradford R. Schildt

State of Colorado ss.  
County of Boulder

On 15<sup>th</sup> April 2004, before me, Cathie C. Fenten, personally appeared Bradford R. Schildt, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Cathie C. Fenten

Signature of Notary Public

my commission expire May 20<sup>2006</sup> Place Notary Seal Above

Date: \_\_\_\_\_

By: \_\_\_\_\_

Tennille V. Goff

State of \_\_\_\_\_ ss.  
County of \_\_\_\_\_

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Tennille V. Goff, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

Date: \_\_\_\_\_

By: \_\_\_\_\_

Bradford R. Schildt

State of \_\_\_\_\_) ss.

County of \_\_\_\_\_)

On \_\_\_\_\_, before me, \_\_\_\_\_, personally appeared Bradford R. Schildt, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

Place Notary Seal Above

Date: 4/12/2004

By: Tennille Goff  
Tennille V. Goff

State of Virginia) ss.

County of Fairfax)

On 4/12/2004, before me, Tennille Goff, personally appeared Tennille V. Goff, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Tennille Goff  
Signature of Notary Public

Place Notary Seal Above

My Commission Expires September 30, 2007

Date: 4/12/04

By: 

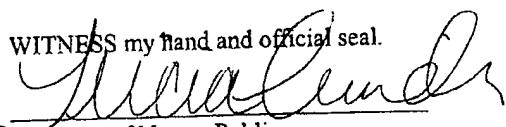
Daniel J. Corwin

State of Virginia )  
ss.

County of Fairfax )

On 4/12/2004, before me, Daniel Corwin, personally appeared Daniel J. Corwin, personally known to me or proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

  
Signature of Notary Public

Place Notary Seal Above

My Commission Expires September 30, 2007

## Received Event (Event Succeeded)

Date:	4/15/04	Time:	4:03 PM
Pages:	4	Duration:	1 min 45 sec
Sender:	309 406 2674	Company:	
Fax Number:		Subject:	
Type:	Fax		

Apr 15 04 02:03P Brad Schildt

309-406-2674

p. 1

PTO/SB/10 (12-97)

Approved for use through 9/30/00. OMB 0851-0331  
Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(f) &amp; 1.27(c)) – SMALL BUSINESS CONCERN</b>	Docket Number (Optional) U017 (BPAY.0040000)
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Applicant, Patentee, or Identifier: Timothy L. Robinson, et al.

Application or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: A System and Method for Biometrically-Initiated Refund Transactions

I hereby state that I am

the owner of the small business concern identified below.  
 an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN BioPay, LLC

ADDRESS OF SMALL BUSINESS CONCERN 580 Herndon Parkway, Suite 100, Herndon, VA 20170

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 13CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office. Questions related to size standards for a small business concern may be directed to: Small Business Administration, Size Standards Staff, 409 Third Street, SW, Washington, DC 20416.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

the specification filed herewith with title as listed above.  
 the application identified above.  
 the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the Inventor, who would not qualify as an independent Inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person concern, or organization having rights in the invention is listed below:  
 No such persons, concerns, or organizations exist.  
 each such person, concern, or organization is listed below:

Separate statements are required from each named person, concern, or organization having rights to the invention stating their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

NAME OF PERSON SIGNING Bradford R. Schildt

TITLE OF PERSON IF OTHER THAN OWNER Executive Vice President

ADDRESS OF PERSON SIGNING 580 Herndon Parkway, Suite 100, Herndon, VA 20170

SIGNATURE B. R. Schildt DATE 4/12/04

Borden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.